

application, we have decided not to consider Aprilia's request as a petition *de novo* but to reissue NHTSA Temporary Exemption No. 99-9 to cover the Scarabeo. Further, for the reason indicated, reissued NHTSA Temporary Exemption No. 99-9 will expire December 1, 2001.

From our review of Aprilia's petitions, we consider the Scarabeo and Leonardo motorcycles to be mechanically similar in all respects relevant to the safety issues involved, differing primarily in their external sheet metal. Paragraph S5.2.1 of Standard No. 123 requires that, if a motorcycle is equipped with rear wheel brakes, those brakes be operable through the right foot control, though the left handlebar is a permissible brake control location for motor driven cycles (Item 11, Table 1). Aprilia would like to use the left handlebar as the control for the rear brakes of both the Leonardo and Scarabeo motorcycles, for the same reasons. Absent an exemption, it will be unable to import and sell the Scarabeo because the vehicle would not fully comply with Standard No. 123.

Aprilia's previous arguments in favor of the Leonardo and our comments on them are set forth in the notice at 64 FR 44264 and are incorporated herein by reference. Aprilia's new petition included copies of reports of brake tests conducted according to Standard No. 122, *Motorcycle Brake Systems*, and under the laws of the United Kingdom. These materials have been filed in the docket.

NHTSA provided an opportunity for public comment on the Leonardo petition on August 28, 1998 (63 FR 46097), and received only one in the more than 11 months that elapsed between the comment notice and the grant notice. That single comment, from Peugeot Motorcycles of France, supported Aprilia's petition.

On November 11, 1999, Aprilia USA informed us that, as of November 1, 1999, it had not imported or sold any Leonardo 150s under the exemption, and requested that we extend the effective date of the exemption accordingly. The company understands that it will not be able to import more than a total of 2,500 exempted Leonardo 150 and Scarabeo 150 motorcycles in any 12-month period that the exemption is in effect.

We have concluded that, given the recent opportunity for public comment, a further opportunity to comment on the same issues is not likely to result in any substantive submissions, and that we may proceed to reissue NHTSA Temporary Exemption No. 99-9 to include the Scarabeo in its coverage. We

hereby incorporate our findings in our initial granting of the petition (64 FR 44264). Accordingly, NHTSA Temporary Exemption No. EX99-9 from the requirement of Item 11, Column 2, Table 1 of 49 CFR 571.123 Standard No. 123, *Motorcycle Controls and Displays*, that the rear wheel brakes be operable through the right foot control, is reissued to cover the Leonardo 150 and Scarabeo 150 motorcycles, and to expire on December 1, 2001.

(49 U.S.C. 30113; delegation of authority at 49 CFR 1.50).

Issued on: January 3, 2000.

Rosalyn G. Millman,

Acting Administrator.

[FR Doc. 00-422 Filed 1-6-00; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33786]

New Jersey Transit Corporation— Acquisition Exemption—Certain Assets of Consolidated Rail Corporation

The New Jersey Transit Corporation (NJ Transit), a noncarrier, has filed a verified notice of exemption under 49 CFR Part 1150, Subpart D—*Exempt Transactions*, to acquire from Consolidated Rail Corporation (Conrail) certain physical assets of a 31.83-mile rail line, known as the Bordentown Secondary Track, between Camden (Milepost 1.07) and Trenton, NJ (Milepost 32.9).¹ NJ Transit, which is an instrumentality of the State of New Jersey, proposes to construct and operate a light rail transit system on the line. NJ Transit states that Conrail will retain an easement and continue to operate freight service over the line on behalf of Norfolk Southern Railroad Company (NS), and CSX Transportation, Inc. (CSXT) under the terms of the South Jersey Shared Assets Area Operating Agreement (Agreement) among Conrail, NS and CSXT.² Consummation of the transaction was expected to occur on or after December

¹ NJ Transit simultaneously filed a motion to dismiss the notice of exemption. The Board will address the jurisdictional issue raised by the motion in a subsequent decision.

² The Board approved the Agreement in *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements—Conrail Inc. and Consolidated Rail Corporation*, STB Finance Docket No. 33388 (STB served July 23, 1998).

15, 1999, the effective date of the exemption.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. A petition to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33786, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, Oppenheimer Wolff Donnelly & Bayh, LLP, 1350 Eye Street, NW, Suite 200, Washington, DC 20005.

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Decided: December 30, 1999.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00-194 Filed 1-6-00; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB-33 (Sub-No. 70)]

Union Pacific Railroad Company— Abandonment—Wallace Branch, ID

AGENCY: Surface Transportation Board.

ACTION: Notice of Availability of a Draft Supplemental Environmental Assessment and Request for Comments.

SUMMARY: The Surface Transportation Board's (Board's) Section of Environmental Analysis (SEA) has prepared, and now asks for public review and comment on, a Draft Supplemental Environmental Assessment (Draft Supplemental EA) to complete the environmental review process under the National Environmental Policy Act (NEPA) for this rail abandonment proceeding.

DATES: Written comments on the Draft Supplemental EA are due February 22, 2000 (45 days).

ADDRESSES: Send an original and 10 copies to Vernon A. Williams, Office of the Secretary, Room 711, Surface Transportation Board, 1925 K Street, NW, Washington, DC, 20423-0001, to the attention of Phillis Johnson-Ball. Please refer to Docket No. AB-33 (Sub-